

## MOSER LAW FIRM, P.C.

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August 30, 2019

**VIA ECF**

Hon. Sandra J. Feuerstein, U.S.D.J.  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

**Re: *Scott, et al. v. Whole Foods Market Group, Inc.*  
Case No. 18-cv-00086-SJF-AKT**

Dear Judge Feuerstein:

I represent the Plaintiffs in the above captioned matter. I respectfully move to withdraw as Counsel for Dwayne Scott.

Local Civil Rule 1.4 states that:

An attorney who has appeared as attorney of record for a party may be relieved...only by order of the Court...Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal...and the posture of the case, including its position, if any, on the calendar and whether or not the attorney is asserting a retaining or charging lien. All applications to withdraw must be served upon the client and (unless excused by the Court) upon all other parties.

In this District, “[i]t is well-settled that a lawyer may seek to withdraw when the client renders it unreasonably difficult for the lawyer to carry out such employment effectively.” *United States v. Lawrence Aviation Indus.*, No. 06-CV-4818, 2011 WL 601415, at \*1 (E.D.N.Y. Feb. 11, 2011) (internal quotation marks and alterations omitted). In this regard, satisfactory reasons for withdrawal include “a client’s lack of cooperation, including lack of communication with counsel.” *Naguib v. Pub. Health Solutions*, No. 12-CV-2561, 2014 WL 2002824, at \*1 (E.D.N.Y. May 15, 2014) (granting a withdrawal motion where the client refused to communicate and cooperate with counsel).

On 5/28/2019 my Paralegal, Nick Lassandro, called Dwayne Scott at his mobile phone. Mr. Scott did not answer. Mr. Lassandro left him a voice message asking for a callback.

On 5/29/2019, Mr. Lassandro called Dwayne Scott at his mobile phone. Mr. Scott did not answer. Mr. Lassandro left him a voice message asking for a callback.

On 6/3/2019, Mr. Lassandro called Dwayne Scott at his mobile phone. Mr. Scott did not answer. Mr. Lassandro left him a voice message asking for a callback.

On 6/13/2019, Mr. Lassandro called Dwayne Scott at his mobile phone. Mr. Scott did not answer. Mr. Lassandro left him a voice message asking for a callback.

On 7/9/2019, Mr. Lassandro called Dwayne Scott at his mobile phone. Mr. Scott did not answer, so Mr. Lassandro left him a voice message asking for a callback.

On 7/16/2019, Mr. Lassandro called Dwayne Scott at his mobile phone. Mr. Scott did not answer, so Mr. Lassandro left him a voice message asking for a callback.

On 7/17/2019, Mr. Lassandro called Dwayne Scott at his mobile phone. Mr. Scott did not answer, so Mr. Lassandro left him a voice message asking for a callback.

On 7/22/2019, Mr. Lassandro called Dwayne Scott at his mobile phone. Mr. Scott did not answer, so Mr. Lassandro left him a voice message asking for a callback.

On 7/22/2019, Mr. Lassandro, direct messaged Dwayne Scott via Instagram. Mr. Lassandro asked Mr. Scott to call the office as soon as he is able.

On 7/22/2019, I sent a letter via certified mail, Tracking No. 7015 0640 0003 9353 9104, to Dwayne Scott's address on file.

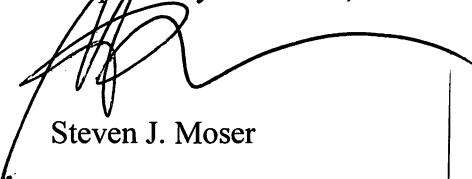
On 7/23/2019, Mr. Lassandro called Dwayne Scott at his mobile phone. Mr. Scott did not answer. Mr. Lassandro left him a voice message asking for a callback.

As of the date of this application, we have not received any response from Mr. Scott.

I will not be asserting a charging lien against any recovery which Mr. Scott may eventually recover. We may seek an award of fees against Whole Foods under the New York Labor Law.

The withdrawal from representation will not delay this case. Paper discovery is not complete and depositions have not yet been conducted.

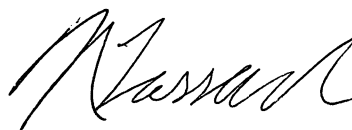
Respectfully submitted,



Steven J. Moser

I declare that under the penalty of perjury that the foregoing is true and correct.

Dated: August 30, 2019



Nick Lassandro

CC: VIA CERTIFIED MAIL 7015 0640 0003 9353 to Dwayne Scott

Via ECF

Pardo, Christopher <CPardo@hunton.com>

Rothschild, Anna <ARothschild@hunton.com>